THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24633 of 2006

Dated: 27-11-2006

Between:

A. Chandram Yadav.

..... PETITIONER

AND

The Inspector General of Registrar,
Stamps and Registration, Hyderabad, and others

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.24633 of 2006

ORDER:

The petitioner statedly purchased land admeasuring Acs.3.36 guntas in survey Nos.49 and 49/ee situated at Gollur Vilage, Maheshwaram Madnal in Ranga Reddy District from respondents 6 and 7 under registered sale deed dated 01-08-1997 (document No.2060/1997) and registered sale deed dated 06-07-1998 (document No.1740/1998). He also obtained necessary mutation from respondent No.5, namely, the Mandal Revenue Officer. Two notices in relation to the two documents hereinabove mentioned were sent to the petitioner informing that the sale deeds executed by respondents 6 and 7 have been cancelled and he was advised to seek redressal in a competent Court of law. The petitioner, therefore, filed this writ petition seeking a writ of Mandamus declaring the action of respondent No.3 in registering the cancellation deeds duly nullifying the earlier sale deeds as illegal, arbitrary and without jurisdiction.

The learned counsel for the petitioner submits that respondents 6 and 7 have no right to cancel the sale deeds executed in favour of the petitioner. He also would urge that no power is vested in respondents 2 and 3 to cancel the earlier sale deeds and the same is contrary to the Registration Act, 1908. The learned Assistant Government Pleader for Revenue (General-T) opposed the writ petition. He submits that the petitioner has already filed a suit, being O.S.No.1401 of 2006, on the file of the Court of the Principal Senior Civil Judge, seeking declaration, injunction and further declaration against the impugned cancellation deeds and therefore, this writ petition is not maintainable. Attention of this Court is invited to the copy of the plaint indexing as Ex.P11 to the writ petition. He also relies on the unreported judgment of the Full Bench of this Court in **Yanala Malleshwari v. Ananthula Sayamma**[1] to submit that a writ petition challenging a cancellation deed would not lie.

The petitioner admittedly has approached the Civil Court aggrieved by the cancellation deeds executed by respondents 6 and 7 and registered by respondent No.3. Therefore, this writ petition is *ex facie* not maintainable. A person, who avails the common law remedy, cannot again be permitted to avail public law remedy. This is settled position of law. Further as held by the Full Bench in the decision referred to hereinabove, a writ petition would not lie and the person aggrieved by cancellation has to seek remedy in the Civil Court. Following the same,

this writ petition is liable to be dismissed.

The writ petition is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

27th November, 2006
ghn

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[1] W.P.Nos.9512 of 2003 and batch, dated 24.10.2006